

PATENT COOPERATION TREATY

PCT
**NOTIFICATION OF TRANSMITTAL
 OF COPIES OF TRANSLATION
 OF THE INTERNATIONAL PRELIMINARY
 EXAMINATION REPORT**

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

MENTZEL, Norbert
 Kleiner Werth 34
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 Germany

Eingegangen

11. AUG. 2003

 Erl. _____
 BUSE - MENTZEL - LUDEVIG

Date of mailing (day/month/year) 31 July 2003 (31.07.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 1069-3/04a	
International application No. PCT/EP02/00318	International filing date (day/month/year) 15 January 2002 (15.01.02)
Applicant C. CRAMER, WEBEREI, HEEK-NIENBORG, GMBH & CO. KG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.89.75	Authorized officer Aurora CENDANA (Fax : 338 89 75) Telephone No. (41-22) 338 9905
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1069-3/04a	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP02/00318	International filing date (<i>day/month/year</i>) 15 January 2002 (15.01.02)	Priority date (<i>day/month/year</i>) 16 January 2001 (16.01.01)
International Patent Classification (IPC) or national classification and IPC D01F 1/10, 6/18, C08K 5/02		
Applicant C. CRAMER, WEBEREI, HEEK-NIENBORG, GMBH & CO. KG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>5</u> sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>

Date of submission of the demand 05 July 2002 (05.07.02)	Date of completion of this report 01 April 2003 (01.04.2003)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP02/00318

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 4-6 _____, as originally filed
pages _____, filed with the demand
pages _____ 1-3 _____, filed with the letter of 23 November 2002 (23.11.2002)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-7 _____, filed with the letter of 23 November 2002 (23.11.2002)
- ☒ the drawings:
pages _____ 1/2,2/2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 02/00318

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims	7	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

Novelty

WO-A-95/01396 describes a melt extrusion of polymer compositions consisting of a mixture of a spinnable component and an ambivalent fluorocarbon component. The resultant products (e.g. carpets; page 6) have a water-repellent effect.

WO-A-97/22659 discloses a textile fibre material, for example for the clothing industry (page 11), said material having a water-repellent effect and being obtainable by melt extruding a spinnable polymer and an ambivalent polymer compound.

WO-A-99/05345 discloses a method for producing textile fibres in which a fluorine-containing compound (e.g. F45, a reaction product from $C_{17}H_{35}-COCl$ and an amine; page 33) and a polymer (e.g. nylon, page 18) are mixed in a solvent. The mixture is subsequently dried and then extruded (page 11). The fibres are used in the textile industry (page 11).

The present Claims 1-6 are novel over the above

citations, since they relate to the production of textile fibres by *solution spinning*. The present Claim 7 is not, however, novel, since the textiles *per se* and the use thereof in the clothing or technical textile industry are already known (PCT Article 33(2)).

Inventive step

Solution spinning is a conventional method for producing fibres. The advantages of solution spinning in contrast to melt extrusion listed by the applicant, for example more effective and faster positioning of the repellent groups on the surfaces of the fibres, are not derivable from the original application. On the contrary, the application (page 5) states that wet spinning is equivalent to melt extrusion. Selecting solution spinning from a list of known methods that are common in the art does not involve an inventive step.

Consequently, Claims 1-6 do not meet the requirements of PCT Article 33(3).

Industrial applicability

The subject matter of Claims 1-7 meets the requirements of PCT Article 33(4).



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